

## **BILL ANALYSIS**

S.B. 793  
By: Deuell  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent legislation that sought to address confidentiality concerns about how newborn screening information is disclosed by the Department of State Health Services (DSHS) included a requirement for birthing facilities to perform newborn hearing screenings either directly or through a transfer agreement. Interested parties report that many midwives and owners or operators of birthing facilities have raised concerns that the transfer agreement requirement was not appropriate. According to these parties, a group of stakeholders, including the Texas Hospital Association, that was organized by DSHS to address the transfer agreement language agreed with this assessment and recommended that the language simply reference a referral process. S.B. 793 seeks to revise certain requirements relating to newborn hearing screenings.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 793 amends the Health and Safety Code to specify that the newborn hearing screening required to be performed by a birthing facility through a program certified by the Department of State Health Services (DSHS) must be performed either directly or through a referral to another program certified by DSHS, rather than directly or through a transfer agreement. The bill includes among the exceptions to this screening requirement that the newborn was discharged from the birthing facility not more than 10 hours after birth and a referral for the newborn was made to a DSHS-certified program at another birthing facility or operated by a physician or health care provider.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.